

RYAN M. BEAUDOIN, WSBA #30598
JEFFREY R. GALLOWAY, WSBA # 44059
601 West Main Avenue, Suite 1400
Spokane, WA 99201
Telephone: (509) 455-9077
Facsimile: (509) 624-6441
Email: rbeaudoin@workwith.com
jgalloway@workwith.com

Honorable James L. Robart

*Counsel for Defendants Jason A. Dreyer, D.O.
and Jane Doe Dreyer*

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROLINE ANGULO, single person,
ERIC KELLER, a single person, EBEN
NESJE, a single person, KIRK
SUMMERS, a single person,
CHRISTINE BASH, individually and as
personal representative of the ESTATE
OF STEVEN BASH; RAYMOND
SUMERLIN JR. and MARY ANN
SUMERLIN, a married couple, and
MARTIN WHITNEY and SHERRYL
WHITNEY, a married couple.

Plaintiffs,

v.

PROVIDENCE HEALTH & SERVICES
WASHINGTON, a non-profit
Washington Corporation, also d/b/a
PROVIDENCE ST. MARY MEDICAL
CENTER; DR. JASON A. DREYER,

NO. 22-cv-00915-JLR

DREYER DEFENDANTS' ANSWER
TO THE PLAINTIFFS' THIRD
AMENDED CLASS ACTION
COMPLAINT

DREYER DEFENDANTS' ANSWER TO THE PLAINTIFFS'
THIRD AMENDED CLASS ACTION COMPLAINT
(22:-cv-00915-JLR): 1



A PROFESSIONAL LIMITED LIABILITY COMPANY

601 West Main Avenue, Suite 1400
Spokane, Washington 99201-0677
Telephone: (509) 455-9077
Fax: (509) 624-6441

DO, and JANE DOE DREYER, husband and wife and the marital community thereof; DR. DANIEL ELSKENS DO, and JANE DOE ELSKENS, husband and wife and the marital community thereof; and JOHN/JANE DOES 1-10, and any marital communities thereof,

Defendants.

The Defendants, Jason A. Dreyer, D.O and Jane Doe Dreyer ("the Dreyer Defendants"), respectfully answer and respond to the Plaintiffs' Third Amended Class Action Complaint (ECF No. 129) ("Third Amended Complaint"). All allegations, assertions, and/or inferences that are not expressly admitted in this answer are denied. The Dreyer Defendants respond to the Plaintiffs' allegations and averments as follows:

I. INTRODUCTION

1.1 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

1.2 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer

1 Defendants lack sufficient information to form a belief as to the truth or falsity of
2 the allegations made in this paragraph and, therefore, deny the same.
3

4 1.3 Admit that Dr. Dreyer was employed by one or more entities
5 affiliated or related to Providence Health & Services Washington (collectively
6 "Providence") as a neurosurgeon. Admit that Dr. Dreyer, during his employment
7 with Providence, worked in the neurosurgery department at St. Mary Medical
8 Center (St. Mary). The remaining allegations made in this paragraph do not
9 pertain to the Dreyer Defendants and, therefore, no answer is required.
10
11 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
12 as to the truth or falsity of the remaining allegations made in this paragraph and,
13 therefore, deny the same.
14
15

16 1.4 Deny that Providence, in order to increase its own profits,
17 encouraged Dr. Dreyer to conduct unsupervised spine surgeries at high-volume
18 rates using a productivity metric with no cap on compensation that provided Dr.
19 Dreyer a financial incentive to perform a high volume of surgical procedures of
20 greater complexity. The remaining allegations made in this paragraph do not
21 pertain to the Dreyer Defendants and, therefore, no answer is required.
22
23 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
24
25
26
27
28

1 as to the truth or falsity of the remaining allegations made in this paragraph and,
2 therefore, deny the same.
3

4 1.5 Admit that Dr. Dreyer's annual compensation as an employee of
5 Providence varied from year to year. Admit that, in one year, Dr. Dreyer's annual
6 compensation as an employee of Providence was between \$2.5 and \$2.9 million.
7
8 The Dreyer Defendants lack sufficient information to form a belief as to the truth
9 or falsity of the assertion that Dr. Dreyer became one of the highest producing
10 neurosurgeons in the entire Providence system. The remaining allegations made
11 in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer
12 is required. Alternatively, the Dreyer Defendants lack sufficient information to
13 form a belief as to the truth or falsity of the remaining allegations made in this
14 paragraph and, therefore, deny the same.
15
16
17

18 1.6 Admit that Dr. Dreyer resigned his employment with Providence on
19 or about November 13, 2018. The remaining allegations made in this paragraph
20 do not pertain to the Dreyer Defendants and, therefore, no answer is required.
21
22 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
23 as to the truth or falsity of the remaining allegations made in this paragraph and,
24 therefore, deny the same.
25
26
27
28

1 1.7 The allegations made in this paragraph do not pertain to the Dreyer
2 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
3 Defendants lack sufficient information to form a belief as to the truth or falsity of
4 the allegations made in this paragraph and, therefore, deny the same.
5

6 1.8 The allegations made in this paragraph either do not pertain to the
7 Dreyer Defendants or constitute legal conclusions, therefore, no answer is
8 required. Alternatively, the Dreyer Defendants lack sufficient information to form
9 a belief as to the truth or falsity of the allegations made in this paragraph and,
10 therefore, deny the same.
11

12 1.9 The allegations made in this paragraph do not pertain to the Dreyer
13 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
14 Defendants lack sufficient information to form a belief as to the truth or falsity of
15 the allegations made in this paragraph and, therefore, deny the same.
16

17 1.10 The allegations made in this paragraph do not pertain to the Dreyer
18 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
19 Defendants lack sufficient information to form a belief as to the truth or falsity of
20 the allegations made in this paragraph and, therefore, deny the same.
21

22 1.11 The allegations made in this paragraph do not pertain to the Dreyer
23 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
24

1 Defendants lack sufficient information to form a belief as to the truth or falsity of
2 the allegations made in this paragraph and, therefore, deny the same.
3

4 1.12 Admit that Dr. Dreyer was employed by one or more entities
5 affiliated to or related with MultiCare Health System in Spokane, Washington
6 (collectively "MultiCare") following his resignation from Providence. Deny the
7 remaining allegations made in this paragraph.
8

9 1.13 Deny the assertion that Dr. Dreyer engaged in gross misconduct
10 and/or faulty and fraudulent medical care. Deny the assertion that Dr. Dreyer
11 caused harm to patients. The remaining allegations do not pertain to the Dreyer
12 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
13 Defendants lack sufficient information to form a belief as to the truth or falsity of
14 the allegations made in this paragraph and, therefore, deny the same.
15
16
17

18 1.14 Deny the assertion that Dr. Dreyer engaged in gross misconduct
19 and/or negligent, violative, unethical, and fraudulent medical care. Deny the
20 assertion that Dr. Dreyer caused harm to patients. The remaining allegations do
21 not pertain to the Dreyer Defendants and, therefore, no answer is required.
22 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
23 as to the truth or falsity of the allegations made in this paragraph and, therefore,
24 deny the same.
25
26
27
28

1 1.15 Deny the assertion that Dr. Dreyer engaged in gross misconduct
2 and/or negligent, violative, unethical, and fraudulent medical care. Deny the
3 assertion that Dr. Dreyer caused harm to patients. The remaining allegations do
4 not pertain to the Dreyer Defendants and, therefore, no answer is required.
5 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
6 as to the truth or falsity of the allegations made in this paragraph and, therefore,
7 deny the same.
8
9
10

11 1.16 Deny the assertion that Dr. Dreyer engaged in gross misconduct
12 and/or negligent, violative, unethical, and fraudulent medical care. Deny the
13 assertion that Dr. Dreyer caused harm to patients. The remaining allegations do
14 not pertain to the Dreyer Defendants and, therefore, no answer is required.
15 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
16 as to the truth or falsity of the allegations made in this paragraph and, therefore,
17 deny the same.
18
19
20

21 1.17 This paragraph contains no factual allegation to which an answer is
22 required. Alternatively, deny.
23

24 1.18 This paragraph contains no factual allegation to which an answer is
25 required. Alternatively, deny.
26
27
28

II. PARTIES

2.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 1.18, above.

2.2 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

2.3 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

2.4 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

2.5 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer

1 Defendants lack sufficient information to form a belief as to the truth or falsity of
2 the allegations made in this paragraph and, therefore, deny the same.
3

4 2.6 The allegations made in this paragraph do not pertain to the Dreyer
5 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
6 Defendants lack sufficient information to form a belief as to the truth or falsity of
7 the allegations made in this paragraph and, therefore, deny the same.
8

9 2.7 The allegations made in this paragraph do not pertain to the Dreyer
10 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
11 Defendants lack sufficient information to form a belief as to the truth or falsity of
12 the allegations made in this paragraph and, therefore, deny the same.
13
14

15 2.8 The allegations made in this paragraph do not pertain to the Dreyer
16 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
17 Defendants lack sufficient information to form a belief as to the truth or falsity of
18 the allegations made in this paragraph and, therefore, deny the same.
19
20

21 2.9 This paragraph contains no factual allegation to which an answer is
22 required. Alternatively, deny.
23

24 2.10 Deny.

25 2.11 Deny.
26
27
28

1 2.12 The allegations made in this paragraph constitute legal conclusions,
2 therefore, no answer is required. Alternatively, deny.
3

4 2.13 The allegations made in this paragraph do not pertain to the Dreyer
5 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
6 Defendants lack sufficient information to form a belief as to the truth or falsity of
7 the allegations made in this paragraph and, therefore, deny the same.
8

9 2.14 Admit that, at times relevant to this suit, Dr. Dreyer was a licensed
10 physician, was a citizen of the State of Washington, and practiced medicine in
11 Walla Walla County, Washington, and/or Spokane County, Washington. Admit
12 that, at times relevant to this suit, Dr. Dreyer was employed by one or more entities
13 affiliated or related to Providence Health & Services Washington and/or
14 MultiCare. Admit that, at times relevant to this suit, Dr. Dreyer was and held
15 himself out as a medical care provider whose services were offered to his patients
16 for compensation. Admit that Dr. Dreyer is, and at times relevant to this suit was,
17 a married man, whose wife is named Laura Dreyer. Admit that Dr. Dreyer's
18 conduct was done for, and on behalf of, the marital community composed of
19 himself and his wife. Deny any remaining allegations made in this paragraph.
20
21
22
23
24

25 2.15 The allegations made in this paragraph do not pertain to the Dreyer
26 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
27
28

1 Defendants lack sufficient information to form a belief as to the truth or falsity of
2 the allegations made in this paragraph and, therefore, deny the same.
3

4 2.16 The allegations made in this paragraph do not pertain to the Dreyer
5 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
6 Defendants lack sufficient information to form a belief as to the truth or falsity of
7 the allegations made in this paragraph and, therefore, deny the same.
8

9 2.17 Deny.
10

11 2.18 The allegations made in this paragraph do not pertain to the Dreyer
12 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
13 Defendants lack sufficient information to form a belief as to the truth or falsity of
14 the allegations made in this paragraph and, therefore, deny the same.
15

16 **III. JURISDICTION & VENUE**

17

18 3.1 This paragraph contains no factual allegation to which an answer is
19 required. Alternatively, the Dryer Defendants restate and incorporate their
20 responses to Paragraphs 1.1 through 2.18, above.
21

22 3.2 The allegations made in this paragraph constitute legal conclusions
23 to which no answer is required. Alternatively, deny.
24

25 3.3 The allegations made in this paragraph constitute legal conclusions
26 to which no answer is required. Alternatively, deny.
27
28

IV. TIMELINE & FACTS

4.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 3.3, above.

4.2 Admit that between July 1, 2013, and November 13, 2018, Dr. Dreyer was employed by one or more entities affiliated or related to Providence as a neurosurgeon. Admit that Dr. Dreyer, during his employment with Providence between July 1, 2013, and November 13, 2018, worked in the neurosurgery department at St. Mary in Walla Walla.

4.3 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

4.4 Deny that Providence encouraged Dr. Dreyer to perform a high volume of surgical procedures of greater complexity to increase Providence's profits. The remaining allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or

1 falsity of the remaining allegations made in this paragraph and, therefore, deny
2 the same.

3
4 4.5 Deny that Providence encouraged Dr. Dreyer to conduct spine
5 surgeries at high-volume rates by applying a productivity bonus metric that
6 provided Dr. Dreyer a financial incentive to perform a high volume of surgical
7 procedures of greater complexity. The remaining allegations made in this
8 paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is
9 required. Alternatively, the Dreyer Defendants lack sufficient information to form
10 a belief as to the truth or falsity of the remaining allegations made in this paragraph
11 and, therefore, deny the same.

12
13
14
15 4.6 Deny that Dr. Dreyer conducted complex spine surgeries at high-
16 volume rates with intent and purpose of collecting productivity bonus money. The
17 remaining allegations made in this paragraph do not pertain to the Dreyer
18 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
19 Defendants lack sufficient information to form a belief as to the truth or falsity of
20 the remaining allegations made in this paragraph and, therefore, deny the same.

21
22
23 4.7 Deny.

24
25 4.8 The allegations made in this paragraph do not pertain to the Dreyer
26 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
27

1 Defendants lack sufficient information to form a belief as to the truth or falsity of
2 the allegations made in this paragraph and, therefore, deny the same.
3

4 4.9 The allegations made in this paragraph do not pertain to the Dreyer
5 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
6 Defendants lack sufficient information to form a belief as to the truth or falsity of
7 the allegations made in this paragraph and, therefore, deny the same.
8

9 4.10 Admit.
10

11 4.11 Deny.
12

13 4.12 Admit that Dr. Dreyer was employed by MultiCare between
14 November 13, 2018, and March 2021. Deny the remaining allegations made in
15 this paragraph.
16

17 4.13 The allegations made in this paragraph do not pertain to the Dreyer
18 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
19 Defendants lack sufficient information to form a belief as to the truth or falsity of
20 the allegations made in this paragraph and, therefore, deny the same.
21

22 4.14 The allegations made in this paragraph do not pertain to the Dreyer
23 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
24 Defendants lack sufficient information to form a belief as to the truth or falsity of
25 the allegations made in this paragraph and, therefore, deny the same.
26
27
28

1 4.15 The allegations made in this paragraph constitute legal conclusions
2 to which no answer is required. Alternatively, deny.
3

4 4.16 The allegations made in this paragraph either do not pertain to the
5 Dreyer Defendants or constitute legal conclusions, therefore, no answer is
6 required. Alternatively, the Dreyer Defendants lack sufficient information to form
7 a belief as to the truth or falsity of the allegations made in this paragraph and,
8 therefore, deny the same.
9
10

11 4.17 The allegations made in this paragraph do not pertain to the Dreyer
12 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
13 Defendants lack sufficient information to form a belief as to the truth or falsity of
14 the allegations made in this paragraph and, therefore, deny the same.
15
16

17 4.18 The allegations made in this paragraph relate to a writing, the terms
18 of which speak for themselves; therefore, no answer is required. Additionally, the
19 allegations made in this paragraph do not pertain to the Dreyer Defendants and,
20 therefore, no answer is required. Alternatively, the Dreyer Defendants lack
21 sufficient information to form a belief as to the truth or falsity of the allegations
22 made in this paragraph and, therefore, deny the same.
23
24

25 4.19 The allegations made in this paragraph relate to a writing, the terms
26 of which speak for themselves; therefore, no answer is required. Alternatively,
27
28

1 the Dreyer Defendants deny the substance of the allegations made in this
2 paragraph (and the paragraph's subparts).

3
4 4.20 The allegations made in this paragraph relate to a writing, the terms
5 of which speak for themselves; therefore, no answer is required. Additionally, the
6 allegations made in this paragraph do not pertain to the Dreyer Defendants and,
7 therefore, no answer is required. Alternatively, the Dreyer Defendants lack
8 sufficient information to form a belief as to the truth or falsity of the allegations
9 made in this paragraph and, therefore, deny the same.
10
11

12 4.21 The allegations made in this paragraph relate to a writing, the terms
13 of which speak for themselves; therefore, no answer is required. Additionally, the
14 allegations made in this paragraph do not pertain to the Dreyer Defendants and,
15 therefore, no answer is required. Alternatively, the Dreyer Defendants lack
16 sufficient information to form a belief as to the truth or falsity of the allegations
17 made in this paragraph and, therefore, deny the same.
18
19
20

21 4.22 Admit that Dr. Dreyer's annual compensation as an employee of
22 Providence varied from year to year. Admit that, in one year, Dr. Dreyer's annual
23 compensation as an employee of Providence was between \$2.5 and \$2.9 million.
24 The Dreyer Defendants lack sufficient information to form a belief as to the truth
25 or falsity of the assertion that Dr. Dreyer became one of the highest producing
26
27
28

1 neurosurgeons in the entire 7-state Providence system. Deny all remaining
2 allegations made in this paragraph.
3

4 4.23 The allegations made in this paragraph relate to a writing, the terms
5 of which speak for themselves; therefore, no answer is required. Additionally, the
6 allegations made in this paragraph do not pertain to the Dreyer Defendants and,
7 therefore, no answer is required. Alternatively, the Dreyer Defendants admit that
8 Dr. Dreyer resigned from Providence, and lack sufficient information to form a
9 belief as to the truth or falsity of the remainder of the allegations made in this
10 paragraph and, therefore, deny the same.
11
12

13
14 4.24 The allegations made in this paragraph relate to a writing, the terms
15 of which speak for themselves; therefore, no answer is required. The allegations
16 made in this paragraph also constitute a legal conclusion to which no answer is
17 required. Additionally, the allegations made in this paragraph do not pertain to
18 the Dreyer Defendants and, therefore, no answer is required. Alternatively, the
19 Dreyer Defendants lack sufficient information to form a belief as to the truth or
20 falsity of the allegations made in this paragraph and, therefore, deny the same.
21
22

23
24 4.25 The allegations made in this paragraph relate to a writing, the terms
25 of which speak for themselves; therefore, no answer is required. Additionally, the
26 allegations made in this paragraph do not pertain to the Dreyer Defendants and,
27
28

1 therefore, no answer is required. Alternatively, the Dreyer Defendants lack
2 sufficient information to form a belief as to the truth or falsity of the allegations
3 made in this paragraph and, therefore, deny the same.
4

5 4.26 The allegations made in this paragraph (and the paragraph's subparts)
6 do not pertain to the Dreyer Defendants and, therefore, no answer is required.
7 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
8 as to the truth or falsity of the allegations made in this paragraph (and the
9 paragraph's subparts) and, therefore, deny the same.
10
11

12 4.27 The allegations made in this paragraph do not pertain to the Dreyer
13 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
14 Defendants lack sufficient information to form a belief as to the truth or falsity of
15 the allegations made in this paragraph and, therefore, deny the same.
16
17

18 4.28 The allegations made in this paragraph (and the paragraph's subparts)
19 relate to a writing, the terms of which speak for themselves; therefore, no answer
20 is required. Additionally, the allegations made in this paragraph (and the
21 paragraph's subparts) do not pertain to the Dreyer Defendants and, therefore, no
22 answer is required. Alternatively, the Dreyer Defendants lack sufficient
23 information to form a belief as to the truth or falsity of the allegations made in this
24 paragraph (and the paragraph's subparts) and, therefore, deny the same.
25
26
27
28

1 4.29 The allegations made in this paragraph (and the paragraph's subparts)
2 relate to a writing, the terms of which speak for themselves; therefore, no answer
3 is required. Alternatively, the Dreyer Defendants deny the substance of the
4 allegations made in this paragraph (and the paragraph's subparts).
5

6 4.30 The allegations made in this paragraph (and the paragraph's subparts)
7 do not pertain to the Dreyer Defendants and, therefore, no answer is required.
8 Alternatively, the Dreyer Defendants lack sufficient information to form a belief
9 as to the truth or falsity of the allegations made in this paragraph (and the
10 paragraph's subparts) and, therefore, deny the same.
11

12 4.31 The allegations made in this paragraph do not pertain to the Dreyer
13 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
14 Defendants lack sufficient information to form a belief as to the truth or falsity of
15 the allegations made in this paragraph and, therefore, deny the same.
16

17 4.32 The allegations made in this paragraph do not pertain to the Dreyer
18 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
19 Defendants lack sufficient information to form a belief as to the truth or falsity of
20 the allegations made in this paragraph and, therefore, deny the same.
21

1 4.33 The allegations made in this paragraph do not pertain to the Dreyer
2 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
3 Defendants lack sufficient information to form a belief as to the truth or falsity of
4 the allegations made in this paragraph and, therefore, deny the same.
5

6 4.34 The allegations made in this paragraph do not pertain to the Dreyer
7 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
8 Defendants lack sufficient information to form a belief as to the truth or falsity of
9 the allegations made in this paragraph and, therefore, deny the same.
10

11 4.35 Deny that Dr. Dreyer engaged in negligent, violative, unethical,
12 and/or fraudulent treatment practices. The remaining allegations made in this
13 paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is
14 required. Alternatively, the Dreyer Defendants lack sufficient information to form
15 a belief as to the truth or falsity of the remaining allegations made in this paragraph
16 and, therefore, deny the same.
17

18 4.36 The allegations made in this paragraph do not pertain to the Dreyer
19 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
20 Defendants lack sufficient information to form a belief as to the truth or falsity of
21 the allegations made in this paragraph and, therefore, deny the same.
22

V. INDIVIDUAL PLAINTIFFS/CLASS REPRESENTATIVES

5.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 4.36, above.

5.2 Deny.

CAROLINE ANGULO

5.3 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

5.4 The Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

5.5 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

5.6 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, the Dreyer Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations made in this paragraph and, therefore, deny the same.

1 5.7 The allegations made in this paragraph do not pertain to the Dreyer
2 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
3 Defendants lack sufficient information to form a belief as to the truth or falsity of
4 the allegations made in this paragraph and, therefore, deny the same.
5

6 5.8 The allegations made in this paragraph do not pertain to the Dreyer
7 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
8 Defendants lack sufficient information to form a belief as to the truth or falsity of
9 the allegations made in this paragraph and, therefore, deny the same.
10

11 5.9 The allegations made in this paragraph do not pertain to the Dreyer
12 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
13 Defendants lack sufficient information to form a belief as to the truth or falsity of
14 the allegations made in this paragraph and, therefore, deny the same.
15

16 5.10 The allegations made in this paragraph do not pertain to the Dreyer
17 Defendants and, therefore, no answer is required. Alternatively, the Dreyer
18 Defendants lack sufficient information to form a belief as to the truth or falsity of
19 the allegations made in this paragraph and, therefore, deny the same.
20

21 5.11 Admit that Dr. Dreyer treated Ms. Angulo. Admit that the facts
22 regarding Dr. Dreyer's care of Ms. Angulo are contained in the applicable medical
23 records. Deny any remaining allegations made in this paragraph.
24
25
26
27
28

1 5.19 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
3 records. Deny any remaining allegations made in this paragraph.
4

5 5.20 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
6 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
7 records. Deny any remaining allegations made in this paragraph.
8

9 5.21 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
11 records. Deny any remaining allegations made in this paragraph.
12

13 5.22 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
15 records. Deny any remaining allegations made in this paragraph.
16
17

18 5.23 Admit that the facts regarding Dr. Dreyer's care of Mr. Keller are
19 contained in the applicable medical records. The Dreyer Defendants lack
20 sufficient information to form a belief as to the truth or falsity of the allegations
21 related to Mr. Keller's decision-making process and, therefore, deny the same.
22 Deny any remaining allegations made in this paragraph.
23
24
25
26
27
28

1 5.24 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
3 records. Deny any remaining allegations made in this paragraph.
4

5 5.25 Deny.
6

7 5.26 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
8 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
9 records. Deny any remaining allegations made in this paragraph.
10

11 5.27 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
12 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
13 records. Deny any remaining allegations made in this paragraph.
14

15 5.28 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
16 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
17 records. Deny any remaining allegations made in this paragraph.
18

19 5.29 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
20 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
21 records. Deny any remaining allegations made in this paragraph.
22

23 5.30 Admit that Dr. Dreyer treated Mr. Keller. Admit that the facts
24 regarding Dr. Dreyer's care of Mr. Keller are contained in the applicable medical
25 records. Deny any remaining allegations made in this paragraph.
26
27
28

1 5.31 Deny.

2 5.32 Deny.

3 5.33 Deny.

4 5.34 Deny.

5 5.35 The Dreyer Defendants lack sufficient information to form a belief
6
7 as to the truth or falsity of the allegations made in this paragraph and, therefore,
8 deny the same.
9

10 5.36 Deny.

11
12 **EBEN NESJE**
13

14 5.37 Deny.

15 5.38 Admit that Dr. Dreyer treated Mr. Nesje. Admit that the facts
16 regarding Dr. Dreyer's care of Mr. Nesje are contained in the applicable medical
17 records. Deny any remaining allegations made in this paragraph.
18

19 5.39 Admit that Dr. Dreyer treated Mr. Nesje. Admit that the facts
20 regarding Dr. Dreyer's care of Mr. Nesje are contained in the applicable medical
21 records. Deny any remaining allegations made in this paragraph.
22

23 5.40 Admit that Dr. Dreyer treated Mr. Nesje. Admit that the facts
24 regarding Dr. Dreyer's care of Mr. Nesje are contained in the applicable medical
25 records. Deny any remaining allegations made in this paragraph.
26
27
28

1 5.41 Deny.

2 5.42 Admit that Dr. Dreyer treated Mr. Nesje. Admit that the facts
3
4 regarding Dr. Dreyer's care of Mr. Nesje are contained in the applicable medical
5 records. Deny any remaining allegations made in this paragraph.

6 5.43 Deny.

7
8 5.44 Admit that Dr. Dreyer treated Mr. Nesje. Admit that the facts
9 regarding Dr. Dreyer's care of Mr. Nesje are contained in the applicable medical
10 records. Deny any remaining allegations made in this paragraph.

11
12 5.45 Admit that Mr. Nesje consulted with Dr. Matthew Fewel in July
13 2016. Deny any remaining allegations made in this paragraph.

14 5.46 Deny.

15 5.47 The Dreyer Defendants lack sufficient information to form a belief
16 as to the truth or falsity of the allegations made in this paragraph and, therefore,
17 deny the same.

18 5.48 The Dreyer Defendants lack sufficient information to form a belief
19 as to the truth or falsity of the allegations made in this paragraph and, therefore,
20 deny the same.

21 5.49 Admit that Dr. Dreyer's medical license was restricted by DOH in
22 March 2021. Further admit that DOH's statement of charges was withdrawn in
23
24

1 November 2023 as part of an informal disposition between Dr. Dreyer and DOH
2 in which Dr. Dreyer surrendered his license to practice as an osteopathic physician
3 and surgeon in Washington state. The stipulation to informal disposition states
4 that it “shall not be construed as a finding of unprofessional conduct or inability
5 to practice” and that it is “not formal disciplinary action.” Any report Dr. Fewel
6 submitted to DOH speaks for itself. Any investigation by DOH or report by Dr.
7 Abhineet Chowdhary speaks for itself. Deny any remaining allegations made in
8 this paragraph.
9

10
11
12 5.50 Any report by Dr. Chowdhary speaks for itself. Deny any remaining
13 allegations made in this paragraph.
14

15 5.51 Any report by Dr. Chowdhary speaks for itself. Deny any remaining
16 allegations made in this paragraph.
17

18 5.52 Deny.

19 5.53 The Dreyer Defendants lack sufficient information to form a belief
20 as to the truth or falsity of the allegations made in this paragraph and, therefore,
21 deny the same.
22

23 5.54 Deny.
24

25 **KIRK SUMMERS**

26 5.55 Deny.
27
28

1 5.56 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.57 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
6 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
7 medical records. Deny any remaining allegations made in this paragraph.
8

9 5.58 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
11 medical records. Deny any remaining allegations made in this paragraph.
12

13 5.59 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
15 medical records. Deny any remaining allegations made in this paragraph.
16

17 5.60 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
18 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
19 medical records. Deny any remaining allegations made in this paragraph.
20

21 5.61 Deny.
22

23 5.62 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
24 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
25 medical records. Deny any remaining allegations made in this paragraph.
26
27
28

1 5.63 Admit that Dr. Dreyer treated Mr. Summers. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Summers are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.64 Deny.
6

7 5.65 The Dreyer Defendants lack sufficient information to form a belief
8 as to the truth or falsity of the allegations made in this paragraph and, therefore,
9 deny the same.
10

11 5.66 Deny.
12

13 5.67 The Dreyer Defendants lack sufficient information to form a belief
14 as to the truth or falsity of the allegations made in this paragraph and, therefore,
15 deny the same.
16

17 5.68 The Dreyer Defendants lack sufficient information to form a belief
18 as to the truth or falsity of the allegations made in this paragraph and, therefore,
19 deny the same.
20

21 5.69 Admits that Dr. Dreyer's medical license was restricted by DOH in
22 March 2021. Further admit that DOH's statement of charges was withdrawn in
23 November 2023 as part of an informal disposition between Dr. Dreyer and DOH
24 in which Dr. Dreyer surrendered his license to practice as an osteopathic physician
25 and surgeon in Washington state. The stipulation to informal disposition states
26
27
28

1 that it “shall not be construed as a finding of unprofessional conduct or inability
 2 to practice” and that it is “not formal disciplinary action.” Any report Dr. Fewel
 3 submitted to DOH speaks for itself. Any investigation by DOH or report by Dr.
 4 Abhineet Chowdhary speaks for itself. Deny any remaining allegations made in
 5 this paragraph.
 6
 7

8 5.70 Any report by Dr. Chowdhary speaks for itself. Deny any remaining
 9 allegations made in this paragraph.
 10

11 5.71 Any report by Dr. Chowdhary speaks for itself. Deny any remaining
 12 allegations made in this paragraph.
 13

14 5.72 Deny.

15 5.73 The Dreyer Defendants lack sufficient information to form a belief
 16 as to the truth or falsity of the allegations made in this paragraph and, therefore,
 17 deny the same.
 18

19 5.74 Deny.
 20

21 **STEVEN BASH AND CHRISTINE BASH**

22 5.75 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
 23 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
 24 records. The Dreyer Defendants lack sufficient information to form a belief as
 25 to the truth or falsity of the allegations regarding Mr. Bash's marital status and,
 26
 27
 28

1 therefore, deny the same. Deny any remaining allegations made in this
2 paragraph.
3

4 5.76 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
5 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
6 records. Deny any remaining allegations made in this paragraph.
7

8 5.77 Deny.
9

10 5.78 The Dreyer Defendants lack sufficient information to form a belief
11 as to the truth or falsity of the allegations made in this paragraph and, therefore,
12 deny the same.
13

14 5.79 The Dreyer Defendants lack sufficient information to form a belief
15 as to the truth or falsity of the allegations made in this paragraph and, therefore,
16 deny the same.
17

18 5.80 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
19 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
20 records. Deny any remaining allegations made in this paragraph.
21

22 5.81 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
23 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
24 records. Deny any remaining allegations made in this paragraph.
25
26
27
28

1 5.82 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
3 records. Deny any remaining allegations made in this paragraph.
4

5 5.83 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
6 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
7 records. Deny any remaining allegations made in this paragraph.
8

9 5.84 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
11 records. Deny any remaining allegations made in this paragraph.
12

13
14 5.85 Deny.

15 5.86 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
16 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
17 records. Deny any remaining allegations made in this paragraph.
18

19 5.87 Deny.
20

21 5.88 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
22 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
23 records. Deny any remaining allegations made in this paragraph.
24

1 5.89 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
3 records. Deny any remaining allegations made in this paragraph.
4

5 5.90 Deny.
6

7 5.91 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
8 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
9 records. Deny any remaining allegations made in this paragraph.
10

11 5.92 Deny.
12

13 5.93 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
15 records. Deny any remaining allegations made in this paragraph.
16

17 5.94 Admit that Dr. Dreyer treated Mr. Bash. Admit that the facts
18 regarding Dr. Dreyer's care of Mr. Bash are contained in the applicable medical
19 records. Deny any remaining allegations made in this paragraph.
20

21 5.95 Deny.
22

23 5.96 Deny.
24

25 5.97 The Dreyer Defendants lack sufficient information to form a belief
26 as to the truth or falsity of the allegations made in this paragraph and, therefore,
27 deny the same.
28

1 5.98 Deny.

2 **RAYMOND SUMERLIN JR.**

3
4 5.99 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
5 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
6 medical records. Deny any remaining allegations made in this paragraph.
7

8 5.100 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
9 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
10 medical records. Deny any remaining allegations made in this paragraph.
11

12 5.101 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
13 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
14 medical records. Deny any remaining allegations made in this paragraph.
15

16 5.102 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
17 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
18 medical records. Deny any remaining allegations made in this paragraph.
19
20

21 5.103 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
22 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
23 medical records. Deny any remaining allegations made in this paragraph.
24
25
26
27
28

1 5.104 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.105 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
6 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
7 medical records. Deny any remaining allegations made in this paragraph.
8

9 5.106 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
11 medical records. Deny any remaining allegations made in this paragraph.
12

13 5.107 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
15 medical records. Deny any remaining allegations made in this paragraph.
16
17

18 5.108 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
19 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
20 medical records. Deny any remaining allegations made in this paragraph.
21

22 5.109 Deny.
23

24 5.110 Deny.
25
26
27
28

1 5.111 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.112 Admit that the facts regarding Mr. Sumerlin's medical course are
6 contained in the applicable medical records. Deny any remaining allegations
7 made in this paragraph.
8

9 5.113 Admit that Dr. Dreyer treated Mr. Sumerlin. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Sumerlin are contained in the applicable
11 medical records. Deny any remaining allegations made in this paragraph.
12

13 5.114 Deny.
14

15 5.115 The Dreyer Defendants lack sufficient information to form a belief
16 as to the truth or falsity of the allegations made in this paragraph and, therefore,
17 deny the same.
18

19 5.116 Deny.
20

21 **MARTIN WHITNEY**

22 5.117 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
23 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
24 medical records. Deny any remaining allegations made in this paragraph.
25
26
27
28

1 5.118 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.119 Admit that the facts regarding Mr. Whitney's medical course are
6 contained in the applicable medical records. Deny any remaining allegations
7 made in this paragraph.
8

9 5.120 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
11 medical records. Deny any remaining allegations made in this paragraph.
12

13 5.121 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
15 medical records. Deny any remaining allegations made in this paragraph.
16
17

18 5.122 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
19 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
20 medical records. Deny any remaining allegations made in this paragraph.
21

22 5.123 The Dreyer Defendants lack sufficient information to form a belief
23 as to the truth or falsity of the allegations made in this paragraph and, therefore,
24 deny the same.
25
26
27
28

1 5.124 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.125 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
6 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
7 medical records. Deny any remaining allegations made in this paragraph.
8

9 5.126 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
10 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
11 medical records. Deny any remaining allegations made in this paragraph.
12

13 5.127 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
14 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
15 medical records. Deny any remaining allegations made in this paragraph.
16
17

18 5.128 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
19 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
20 medical records. Deny any remaining allegations made in this paragraph.
21

22 5.129 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
23 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
24 medical records. Deny any remaining allegations made in this paragraph.
25
26
27
28

1 5.130 Admit that Dr. Dreyer treated Mr. Whitney. Admit that the facts
2 regarding Dr. Dreyer's care of Mr. Whitney are contained in the applicable
3 medical records. Deny any remaining allegations made in this paragraph.
4

5 5.131 Deny.
6

7 5.132 Deny.
8

9 5.133 The Dreyer Defendants lack sufficient information to form a belief
10 as to the truth or falsity of the allegations made in this paragraph and, therefore,
11 deny the same.
12

13 **VI. MAINTENANCE OF THE CLASS**

14 6.1 This paragraph contains no factual allegation to which an answer is
15 required. Alternatively, the Dreyer Defendants restate and incorporate their
16 responses to Paragraphs 1.1 through 5.134, above.
17

18 6.2 This paragraph (and the paragraph's subparts) contains no factual
19 allegation to which an answer is required. This paragraph (and the paragraph's
20 subparts) consists of legal conclusions to which no answer is required.
21 Alternatively, deny the allegations made in this paragraph (and the paragraph's
22 subparts).
23
24

25 6.3 This paragraph consists of legal conclusions to which no answer is
26 required. Alternatively, deny the allegations made in this paragraph.
27
28

1 6.4 Admit that at least one of the Defendants is a citizen of the State of
2 Washington. The remaining allegations made in this paragraph (and the
3 paragraph's subparts) contain legal conclusions and references to writings, the
4 terms of which speak for themselves; the remaining allegations made in this
5 paragraph (and the paragraph's subparts) are, therefore, denied.
6

7
8 6.5 This paragraph (and the paragraph's subparts) contains no factual
9 allegation to which no answer is required. This paragraph (and the paragraph's
10 subparts) consists of legal conclusions to which no answer is required.
11 Alternatively, deny the allegations made in this paragraph (and the paragraph's
12 subparts).
13
14

15 6.6 This paragraph (and the paragraph's subparts) contains no factual
16 allegation to which no answer is required. This paragraph (and the paragraph's
17 subparts) consists of legal conclusions to which no answer is required.
18 Alternatively, deny the allegations made in this paragraph (and the paragraph's
19 subparts).
20
21

22 6.7 This paragraph consists of legal conclusions to which no answer is
23 required. Alternatively, deny the allegations made in this paragraph.
24
25
26
27
28

1 6.8 This paragraph contains no factual allegation to which an answer is
2 required. This paragraph consists of legal conclusions to which no answer is
3 required. Alternatively, deny the allegations made in this paragraph.
4

5 6.9 This paragraph consists of legal conclusions to which no answer is
6 required. Alternatively, deny the allegations made in this paragraph.
7

8 6.10 This paragraph contains no factual allegation to which an answer is
9 required. This paragraph consists of legal conclusions to which no answer is
10 required. Alternatively, deny the allegations made in this paragraph.
11

12 **VII. CAUSE OF ACTION:**

13 **Criminal Profiteering [RCW 9A.82.100 and 9A.82.080]**

14 7.1 This paragraph contains no factual allegation to which an answer is
15 required. Alternatively, the Dreyer Defendants restate and incorporate their
16 responses to Paragraphs 1.1 through 6.10, above.
17

18 7.2 This paragraph contains no factual allegation to which an answer is
19 required. Alternatively, deny the allegations made in this paragraph.
20

21 7.3 This paragraph consists of legal conclusions to which no answer is
22 required. Alternatively, deny the allegations made in this paragraph.
23

24 7.4 Deny the allegations made in this paragraph (and the paragraph's
25 subparts).
26
27
28

1 7.5 Deny.

2 7.6 Deny.

3 7.7 Deny.

4 7.8 Deny.

5 7.9 Deny.

6
7
8 **Predicate Acts**

9
10 **False Health Care Claims, RCW 48.80.030**

11 7.10 Deny the allegations made in this paragraph (and the paragraph's
12 subparts).

13
14 7.11 Deny.

15 **Predicate Acts**

16 **Money Laundering, RCW 9A.83.030(1)(a) & (b)**

17
18 7.12 Deny.

19 7.13 Deny.

20
21 **Predicate Acts**

22 **Theft by Deception, RCW 9A.56.030**

23 7.14 Deny.

24 7.15 Admit.

25 7.16 Deny.

Pattern of Related Profiteering Acts

7.17 Deny.

7.18 Deny.

7.19 Deny.

7.20 Deny.

7.21 Deny.

7.22 Deny.

The Enterprise

7.23 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

7.24 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

7.25 Deny.

7.26 Deny.

7.27 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

7.28 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

Causation / Injury and Remedies

7.29 Deny.

7.30 Deny.

7.31 Deny.

VIII. CAUSE OF ACTION: Failure to Report (RCW 70.41.210)

8.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 7.31, above.

8.2 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

8.3 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

8.4 Deny.

8.5 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

8.6 Deny.

8.7 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

8.8 Deny.

1 8.9 Deny.

2 8.10 Deny.

3 8.11 Deny.

4 8.12 Deny.

5
6
7 **IX. CAUSE OF ACTION: Consumer Protection Act (RCW 19.86)**

8 9.1 This paragraph contains no factual allegation to which an answer is
9 required. Alternatively, the Dreyer Defendants restate and incorporate their
10 responses to Paragraphs 1.1 through 8.12, above.

11
12 9.2 Deny.

13 9.3 Deny.

14 9.4 Deny.

15 9.5 Deny

16 9.6 Deny

17
18
19 **X. CAUSE OF ACTION: Medical Negligence**

20
21 10.1 This paragraph contains no factual allegation to which an answer is
22 required. Alternatively, the Dreyer Defendants restate and incorporate their
23 responses to Paragraphs 1.1 through 9.6, above.

24
25 10.2 This paragraph consists of legal conclusions to which no answer is
26 required. Alternatively, admit the allegations made in this paragraph.
27
28

10.3 Deny.

10.4 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

XI. CONSENT/INFORMED CONSENT

11.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 10.4, above.

11.2 Deny.

XII. CORPORATE NEGLIGENCE

12.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 11.2, above.

12.2 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

12.3 The allegations made in this paragraph (and the paragraph's subparts) do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

12.4 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

1 12.5 The allegations made in this paragraph do not pertain to the Dreyer
2 Defendants and, therefore, no answer is required. Alternatively, deny.
3

4 12.6 The allegations made in this paragraph do not pertain to the Dreyer
5 Defendants and, therefore, no answer is required. Alternatively, deny.
6

7 **XIII. DISCOVERY RULE**

8 13.1 This paragraph contains no factual allegation to which an answer is
9 required. Alternatively, the Dreyer Defendants restate and incorporate their
10 responses to Paragraphs 1.1 through 12.6, above.
11

12 13.2 Deny
13

14 13.3 Deny
15

16 **XIV. BREACH OF FIDUCIARY DUTY/FRAUD/MISREPRESENTATION**

17 14.1 This paragraph contains no factual allegation to which an answer is
18 required. Alternatively, the Dreyer Defendants restate and incorporate their
19 responses to Paragraphs 1.1 through 13.3, above.
20

21 14.2 This paragraph consists of legal conclusions to which no answer is
22 required. Alternatively, deny the allegations made in this paragraph.
23

24 14.3 Deny.
25

26 14.4 This paragraph consists of legal conclusions to which no answer is
27 required. Alternatively, deny the allegations made in this paragraph.
28

1 14.5 Deny.

2 14.6 Deny.

3 14.7 Deny.

4 14.8 Deny.

5 14.9 Deny.

6 14.10 Deny.

7 14.11 Deny.

8 **XV. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
9
10
11 **& OUTRAGE**
12

13
14 15.1 This paragraph contains no factual allegation to which an answer is
15 required. Alternatively, the Dreyer Defendants restate and incorporate their
16 responses to Paragraphs 1.1 through 14.11, above.
17

18 15.2 This paragraph consists of legal conclusions to which no answer is
19 required. Alternatively, deny the allegations made in this paragraph.
20

21 15.3 Deny.

22 15.4 Deny.

XVI. LOSS OF CONSORTIUM

16.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 15.4, above.

16.2 Deny.

XVII. WRONGFUL DEATH/SURVIVOR ACTIONS

17.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 16.2, above.

17.2 Deny.

17.3 Deny.

XVIII. VICARIOUS LIABILITY

18.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 17.3, above.

18.2 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

18.3 The allegations made in this paragraph do not pertain to the Dreyer Defendants and, therefore, no answer is required. Alternatively, deny.

1 18.4 The allegations made in this paragraph do not pertain to the Dreyer
2 Defendants and, therefore, no answer is required. Alternatively, deny.
3

4 **XIX. NEGLIGENCE PER SE**

5 19.1 This paragraph contains no factual allegation to which an answer is
6 required. Alternatively, the Dreyer Defendants restate and incorporate their
7 responses to Paragraphs 1.1 through 18.4, above.
8

9 19.2 This paragraph consists of legal conclusions to which no answer is
10 required. Alternatively, deny the allegations made in this paragraph.
11

12 **XX. RES IPSA LOQUITUR**

13
14 20.1 This paragraph contains no factual allegation to which an answer is
15 required. Alternatively, the Dreyer Defendants restate and incorporate their
16 responses to Paragraphs 1.1 through 19.2, above.
17

18 20.2 Deny.

19 20.3 Deny.

20 20.4 Deny.

21 20.5 Deny.

22 20.6 Deny.

23 20.7 Deny.

XXI. UNJUST ENRICHMENT

21.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 20.7, above.

21.2 Deny.

21.3 Deny.

XXII. DISGORGEMENT

22.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 21.3, above.

22.2 Deny.

22.3 Deny.

22.4 Deny.

XXIII. WAIVER OF PRIVILEGE

23.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, the Dreyer Defendants restate and incorporate their responses to Paragraphs 1.1 through 22.4, above.

23.2 This paragraph consists of legal conclusions to which no answer is required. Alternatively, deny the allegations made in this paragraph.

XXIV. PRAYER FOR RELIEF

24.1 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.2 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.3 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.4 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.5 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.6 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.7 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.8 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

24.9 This paragraph contains no factual allegation to which an answer is required. Alternatively, deny.

1 24.10 This paragraph contains no factual allegation to which an answer is
2 required. Alternatively, deny.
3

4 24.11 This paragraph contains no factual allegation to which an answer is
5 required. Alternatively, deny.
6

7 24.12 This paragraph contains no factual allegation to which an answer is
8 required. Alternatively, deny.
9

10 24.13 This paragraph contains no factual allegation to which an answer is
11 required. Alternatively, deny.
12

13 24.14 This paragraph contains no factual allegation to which an answer is
14 required. Alternatively, deny.
15

16 24.15 This paragraph contains no factual allegation to which an answer is
17 required. Alternatively, deny.
18

19 24.16 This paragraph contains no factual allegation to which an answer is
20 required. Alternatively, deny.
21

22 24.17 This paragraph contains no factual allegation to which an answer is
23 required. Alternatively, deny.
24

25 24.18 This paragraph contains no factual allegation to which an answer is
26 required. Alternatively, deny.
27
28

1 24.19 This paragraph contains no factual allegation to which an answer is
2 required. Alternatively, deny.
3

4 24.20 This paragraph contains no factual allegation to which an answer is
5 required. Alternatively, deny.
6

7 24.21 This paragraph (and the paragraph's subparts) contains no factual
8 allegation to which an answer is required. Alternatively, deny.
9

10 24.22 This paragraph contains no factual allegation to which an answer is
11 required. Alternatively, deny.
12

13 24.23 This paragraph contains no factual allegation to which an answer is
14 required. Alternatively, deny.
15

16 **GENERAL RESPONSES & AFFIRMATIVE DEFENSES**

17 For further answer to the Third Amended Complaint, the Dreyer
18 Defendants assert the following general responses and affirmative defenses:
19

20 1. The Third Amended Complaint's headings are used herein solely for
21 the reader's convenience; the Dreyer Defendants specifically deny that any of the
22 Third Amended Complaint's causes of action are factual, supported, or legally
23 justified.
24

25 2. The Third Amended Complaint is factually inaccurate.
26
27
28

1 3. The Dreyer Defendants deny that they engaged in any wrongful or
2 tortious act or conduct with respect to the Plaintiffs.

3
4 4. The Dreyer Defendants deny that their conduct proximately caused
5 the damages sought by the Plaintiffs.

6
7 5. The Dreyer Defendants deny that the Plaintiffs have suffered the
8 damages alleged herein.

9
10 6. The Plaintiffs have potentially failed to mitigate the claimed
11 damages, if any.

12 7. The Plaintiffs' claims are barred in whole or in part because
13 Plaintiffs' alleged damages, if any, were the result of one or more intervening or
14 superseding causes or caused by the acts and/or failures to act of persons and or
15 entities over whom the Dreyer Defendants have and had no control.

16
17
18 8. The Plaintiffs' damages are barred in whole or in part because they
19 are speculative in nature and/or not otherwise recoverable under the law.

20
21 9. The Plaintiffs' claims are barred, in whole or in part, because the
22 Third Amended Complaint fails to plead fraud and misrepresentation claims with
23 the legally required level of particularity.

24
25 10. The Plaintiffs' claims are barred, in whole or in part, because the
26 Dreyer Defendants have not engaged in any unfair or deceptive act, and/or public
27

1 deception is not likely to occur as a result of the Dreyer Defendants' actions, if
2 any.
3

4 11. The Plaintiffs' claims are barred, in whole or in part, by RCW Ch.
5 7.70 exclusive remedy provisions.
6

7 12. The Plaintiffs' claims are barred, in whole or in part, by the applicable
8 limitations period.
9

10 13. The Plaintiffs cannot satisfy the prerequisites for a class or collective
11 claim under applicable law and, therefore, the class or collective allegations of the
12 Third Amended Complaint must be stricken and dismissed.
13

14 14. The Third Amended Complaint fails to adequately plead a valid class
15 or collective claim in that it fails to state a valid claim for relief as to each allegedly
16 similarly situated person and fails to properly identify any other potential
17 claimants.
18

19 15. Class certification would be inappropriate due to conflicts of interest
20 between the Plaintiffs and putative class members, or between and among putative
21 class or subclass members.
22

23 16. Any defense that is subject to litigation, dispute, discussion, or
24 discovery shall be deemed asserted by the parties' consent without any specific
25 amendment to this answer.
26
27
28

1 17. The Dreyer Defendants reserve the right to amend this answer, at any
2 time, to conform to the evidence that is adduced in discovery or presented in
3 litigation.
4

5 18. The Dreyer Defendants reserve the right to amend this answer to
6 include any affirmative defense or any other matter constituting an avoidance
7 which may become apparent through the process of discovery.
8

9 19. The Dreyer Defendants reserve the right to amend this answer, at any
10 time, to assert counterclaims and/or third-party claims as discovery proceeds.
11

12 Wherefore, having fully answered the Third Amended Complaint, the
13 Dreyer Defendants respectfully ask that the same be dismissed with prejudice, that
14 the Plaintiffs be awarded nothing thereby, and that the Dreyer Defendants be
15 awarded their costs and reasonable attorneys' fees in accordance with law,
16 together with such other relief as may be just and equitable.
17

18 //

19 //

20 //

21 //

22 //

23 //

24
25
26
27
28
DREYER DEFENDANTS' ANSWER TO THE PLAINTIFFS'
THIRD AMENDED CLASS ACTION COMPLAINT
(22:-cv-00915-JLR): 58



A PROFESSIONAL LIMITED LIABILITY COMPANY

601 West Main Avenue, Suite 1400
Spokane, Washington 99201-0677
Telephone: (509) 455-9077
Fax: (509) 624-6441

1 RESPECTFULLY SUBMITTED, this 18th day of January, 2024.

2
3 **WITHERSPOON BRAJCICH McPHEE,**
4 **PLLC**

5
6 By: s/ Jeffrey R. Galloway
7 RYAN M. BEAUDOIN, WSBA # 30598
8 JEFFREY R. GALLOWAY, WSBA # 44059
9 *Counsel for Defendants Dr. Jason A. Dreyer, DO*
10 *and Jane Doe Dreyer*
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DREYER DEFENDANTS' ANSWER TO THE PLAINTIFFS'
THIRD AMENDED CLASS ACTION COMPLAINT
(22:-cv-00915-JLR): 59



A PROFESSIONAL LIMITED LIABILITY COMPANY

601 West Main Avenue, Suite 1400
Spokane, Washington 99201-0677
Telephone: (509) 455-9077
Fax: (509) 624-6441

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 18th day of January, 2024, the foregoing was delivered to the following persons in the manner indicated:

GILBERT LAW FIRM, P.S.
Attorneys for Plaintiffs

Hand Delivery
First Class Mail
Overnight Mail
Facsimile Transmission
X Electronic Mail
bill@wagilbert.com
beth@wagilbert.com

DAVIS, WRIGHT, TREMAINE, LLP
Attorneys for Defendant Providence

Hand Delivery
First Class Mail
Overnight Mail
Facsimile Transmission
X Electronic Mail
kenpayson@dwt.com
ross.siler@dwt.com
oliviapowar@dwt.com

**LEWIS BRISBOIS BISGAARD &
SMITH LLP**
Attorneys for Defendant Providence

Hand Delivery
First Class Mail
Overnight Mail
Facsimile Transmission
X Electronic Mail
jennifer.oetter@lewisbrisbois.com

ETTER, MCMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.
Attorneys for Defendants Elskens

Hand Delivery
First Class Mail
Overnight Mail
Facsimile Transmission
X Electronic Mail
rvw@ettermcmahon.com
lambo74@ettermcmahon.com

2. I caused to be mailed by United States Postal Service the document
to the following at the address listed below: **None.**

s/ Jeffrey R. Galloway
JEFFREY R. GALLOWAY, WSBA #44059
601 W. Main Ave., Ste. 1400
Spokane, WA 99201
Phone: (509) 455-9077
Email: jgalloway@workwith.com